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March 12, 2012

VIA ELECTRONIC FILING

Hon. Edward M. Chen, U.S.D.J. United States Court House Courtroom 5- 17th Floor 450 Golden Gate Avenue San Francisco, CA 94102

Re: Canadian National Railway Company v. Phoenix Logistics, Inc.

Case No. cv-11-4589 (EMC)

Our File #0489.13104

Dear Judge Chen:

This firm represents the plaintiff Canadian National Railway in the above captioned matter.

On March 9, 2012, we received a telephone call from John Saul, Esq., brother of Fred Saul, Registered Agent of defendant, Phoenix Logistics, Inc., acknowledging receipt of the copies of the Case Management Scheduling Order and the Clerk's Notice Continuing Motion Hearing #9 to 4/13/12 at 1:30 p.m.

John Saul, Esq. advised that Phoenix Logistics, Inc, has been out of business for several months. There are no assets available to us and there are several judgments against Phoeix. He stated that Fred Saul will not be taking any action or responding to our Motion for Default Judgment scheduled as stated above.

I respectfully request that the Court permit me to appear telephonically at the motion hearing in this matter.

SO ORDERED

Edward M. Chen

IT IS SO ORDERED that the call will call Mr. Fiorilla at (856) 914-2054

between 1:30 and 4:30 p.m. PST

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Edward M. Chen, U.S. Die

JKF:pmb 20130609

Respectfully,

CAPEHART & SCATCHARD, P.A.

s/John K. Fiorilla John K. Fiorilla

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